

**MINNESOTA SUPREME COURT AND DEPARTMENT OF HUMAN SERVICES**  
**CHILDREN'S JUSTICE INITIATIVE**

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**FATHERS UNDER THE MINNESOTA RULES OF JUVENILE PROTECTION PROCEDURE**

<b>Legal status of father</b>	<b>Details</b>	<b>RJPP Status</b>	<b>Practice Comment</b>
<b>Presumed R. 2.01 (o)</b>	<i>Minn. Stat. 257.55</i> summary of “presumed father.” <sup>1</sup> 1. Married to mother; 2. attempted to marry mother before birth; 3. attempted to marry mother after birth and a. acknowledged paternity in writing filed with state b. is named on child’s birth record; or c. is obligated to pay child support by court order or written promise; 4. lives with child and holds child out as his own; 5. written acknowledgement of paternity filed with the state signed by both mother and father; 6. genetic testing establishes biological relationship to 99% or great probability; 7. mother and “father” executed ROP and there is another presumed father; 8. competing ROPs; 9. ROP and either mother or “father” is minor.	<b>R. 21.01, subd. 3</b> Party to TPR or other permanency matter  <b>R. 22.01</b> Participant juvenile protection matter	<b>R. 23.01 subd. 3</b> Parent may intervene as of right if he can establish he is birth parent or becomes legally adjudicated <sup>2</sup>
<b>Adjudicated R. 2.01 (a)</b>	Individual determined by a court, or pursuant to an ROP, to be the biological father of the child	Same as above	R. 23.01 May intervene as of right
<b>Alleged R. 2.01 (b)</b>	Individual claimed by a party or participant to be the biological father of a child	<b>R. 22.01</b> Participant in juvenile protection matter	Alleged father is not party unless he establishes paternity or “becomes” presumed and establishes he is birth parent <sup>3</sup>
<b>Legal Custodian R. 2.01(l)</b>	Person, including a legal guardian, who by court order or statute has sole or joint legal or physical custody of the child. <sup>4</sup>		

<sup>1</sup> **NOTE: THIS IS A SUMMARY. CONSULT STATUTE FOR COMPLETE REQUIREMENTS OUTLINING WHO IS A “PRESUMED FATHER.”**

<sup>2</sup> See *RJPP 2.01 (m) definition of parent*. “Parent” means birth, legally adjudicated, or adoptive parent

<sup>3</sup> Minn. Stat. 260C.201 subd. 1 permits court to order “protective supervision” with alleged father in which case he must cooperate with paternity establishment proceedings.

<sup>4</sup> Minn. Stat. 257.541 provides that the biological mother of a child born to a mother not married to the child’s father when the child was born and was not married when the child was conceived has sole custody of the child until paternity is established or custody is determined by the court.